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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DENO WOODIS,

Defendant and Appellant.

D061649

(Super. Ct. No. SCD123601)

APPEAL from a judgment of the Superior Court of San Diego County, Gale E. Kaneshiro, Judge. Affirmed.

In June 2004, Deno Eugene Woodis was found to be a mentally disordered offender (MDO). He was committed to a state hospital (Pen. Code, § 2962). Each year thereafter, through 2011, Woodis was again committed as an MDO (Pen. Code, §§ 2970 & 2972).

In January 2012, the District Attorney again petitioned the court to commit Woodis as an MDO. Following a court trial, Woodis was committed as an MDO for an additional year.

Prior to trial, Woodis brought a motion to replace counsel under *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden*). The motion was heard and denied by the trial court.

Counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 (*Anders*) raising possible, but not arguable issues.¹ We offered Woodis the opportunity to file his own brief on appeal but he has not responded.

STATEMENT OF FACTS

Woodis has been previously convicted of child molestation. There had been other instances of child molestation. Mental health experts who testified at trial concluded that Woodis suffered from two serious MDO qualifying mental disorders. The disorders included schizoaffective disorder, bipolar type and pedophilia, nonexclusive. They found the disorders were not in remission. Each of the experts found that Woodis presented a danger if released.

Woodis testified on his own behalf. He testified he had benefitted from treatment and that he would never lay a finger on a child again. Woodis also testified he had a release plan that included living in Houston, Texas.

¹ Appellate counsel has raised the question of whether the *Wende* procedure applies to MDO proceedings since it does not apply to conservatorship proceedings under *In re Conservatorship of Ben C.* (2007) 40 Cal.4th 529. We will assume, for purposes of this review, that the *Wende* process does apply given that the MDO commitment follows a criminal conviction. In any event we have reviewed the entire record in this case.

DISCUSSION

As we have previously noted, appellate counsel has filed a brief indicating he is unable to identify any argument for reversal and asks this court to review the record for error as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders, supra*, 386 U.S. 738, the brief identifies the following possible, but not arguable issues:

1. Whether the evidence is sufficient to support the trial court's finding that Woodis is a MDO; and
2. Whether the trial court erred in denying the *Marsden* motion.

We have reviewed the entire record in accordance with *Wende, supra*, 25 Cal.3d 436 and *Anders*, 386 U.S. 738, and have not found any reasonably arguable appellate issues. Competent counsel has represented Woodis on appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.

WE CONCUR:

McCONNELL, P. J.

IRION, J.